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HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 12 March 1996 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the results of the International Round Table on Human Rights in Bosnia and Herzegovina, held at Vienna on 4 and 5 March 1996: the summary and conclusions by the Chairman, Ambassador Rohan, Secretary-General for Foreign Affairs of Austria, as well as the conclusions and recommendations of Working Group I (Protecting Human Rights: Monitoring and Reporting), chaired by Ms. Peggy Hicks, Office of the High Representative, and of Working Group II (Human Rights Reconstruction), chaired by Mr. John Shattuck, United States Assistant Secretary of State for Democracy, Human Rights and Labor. In addition, a list of status reports and other documents provided by governmental and non-governmental organizations, as well as a list of participants are enclosed.

The Round Table brought together some 200 experts and delegates - government representatives and local human rights and peace groups from Bosnia and Herzegovina, implementing organizations, interested Governments and international non-governmental organizations - to discuss practical measures for the implementation of the human rights provisions of the Dayton Peace Agreement.

The objective of the Round Table was to highlight and give adequate weight to the human rights aspects of the Peace Agreement. The Round Table came up with a number of recommendations to ensure coordinated and effective monitoring of and reporting on the situation of human rights by international organizations, in particular through the new Human Rights Coordination Centre in the Office of the High Representative. Furthermore, the Round Table elaborated the elements of an international programme of assistance for the reconstruction

of human rights institutions and human rights culture in Bosnia and Herzegovina. Ensuring respect for human rights in Bosnia and Herzegovina is a tremendous task - for the parties as well as for the international community. It is our hope that the very concrete recommendations of the Round Table will be implemented by all those involved within their respective fields of responsibility.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under items 28 and 112, and of the Security Council, and made available to the current session of the Commission on Human Rights.

(Signed) Ernst SUCHARIPA
Ambassador

ANNEX

International Round Table on Human Rights in Bosnia and Herzegovina

Vienna, March 4 and 5, 1996

Summary and Conclusions by the Chair
Ambassador Albert Rohan,
Secretary-General for Foreign Affairs, Austria

The Round Table has been a unique opportunity to bring together all those involved in the implementation of human rights in Bosnia and Herzegovina: implementing organizations, interested governments, international NGOs, and most importantly, representatives from Bosnia and Herzegovina: government representatives as well as local human rights and peace groups. Its paramount aim was to mobilise international attention and support for the human rights tasks emanating from the Dayton Peace Agreement.

Human rights as a cornerstone
The Round Table reaffirmed that the promotion and protection of human rights constitute a cornerstone in the implementation of the Peace Agreement. Human rights are intrinsically linked to all other elements of the peace process: our common tasks of repatriating refugees and displaced persons, of preparing free and fair elections, and of establishing durable peace strongly rely on substantive progress in the field of human rights. These measures require a tremendous effort by the international community. The Round Table acknowledged the activities undertaken so far by the implementing agencies under the overall coordination of the High Representative. The participants welcomed in particular the establishment of the Human Rights Coordination Center (HRCC) and took note of the commitment of all implementing agencies to fully cooperate and coordinate within this framework.

Primary responsibility of the parties
At the same time, the Round Table underlined that the role of the international community is complementary to, and supportive of, the realization of the commitments of the parties. They have the primary responsiblity to ensure the realization of the letter and spirit of all parts of the Peace Agreement. The Round Table acknowledged therefore the clear commitment expressed by the representatives of the parties in their introductory statements. It was emphasized that this commitment includes:

- translating the human rights standards of the Dayton agreement into law and practice;
- The rapid establishment of the human rights institutions foreseen in the Dayton Peace Agreement;
- Ensuring a strong and independent judiciary and police forces based on the rule of law;
- clear commitment to the realization of an open society based on democratic governance;
- free media.

The need for trust and confidence
We need to build confidence and trust among the people. In this context, the Round Table appreciated the role of local human rights and peace groups as cornerstones for the creation of a strong and vibrant civil society. They play a key role in realizing a sustained human rights culture in Bosnia and Herzegovina and are essential for the long-term guarantee of human rights. They are,

therefore, both beneficiaries and equal partners of the efforts of the international community in the field of human rights. The Round Table identified the need to strengthen the interconnection and networking among them as well as between them and the international community as a whole. Equally important is the close cooperation by the authorities of Bosnia and Herzegovina with local NGOs.

Pressure of time and ressources

The implementation of the Dayton Agreement including its human rights provisions takes place under the background of extreme pressure of time and ressources. This poses a particular challenge to all partners in the implementation process and necessitates the most efficient use of the scarce resources available. It calls for the creation of efficient coordination, the utilization of synergies and the avoidance of duplications.

The double role of the international community

The representatives of international organizations presented to the Round Table their tasks as essentially twofold:

- to establish an effective international monitoring presence of appropriate size in order to ensure respect for human rights and provide adequate response mechanisms;
- to provide assistance and advice to Bosnian human rights institutions, legal reform and the administration of justice.

These tasks have been addressed in detail in the two Working Groups, respectively chaired by Ms. Peggy Hicks, Office of the High Representative, and Mr. John Shattuck, Assistant Secretary of State for Democracy, Human Rights, and Labour, USA.

Improving monitoring and reporting

The Round Table dealt in detail with ways and means to improve the collaboration of implementing agencies in order to achieve these tasks and to support the overall responsibilities of the High Representative and his office. Participants placed high expectations in the work of the HRCC as a central clearing house and coordinating structure to ensure an effective discharge of these tasks. A great number of proposals were made with regard to the work of this Centre. The Round Table called in particular for the following measures:

- rapid deployment of full strength of international monitoring presence
- ensuring adequate training for international personnel
- development of a clear division of labour based on comparative advantages
- establishment of good working relations based on a commitment to cooperate and coordinate in order to avoid inefficiency and duplication
- keeping the international community fully informed through regular comprehensive, as well as public reporting
- development of clear and effective strategies to respond to non-compliance of the parties and to concrete human rights violations, including through IFOR and competent international organs. A need to establish a clear alert mechanism was identified. Human rights monitors should not only monitor and "bookkeep" human rights violations but assist in providing redress and resolving problems, if possible at local level. An international presence - be it civilian or military - must never become "silent witness" to human rights violations.

Human rights reconstruction
Furthermore, the Round Table highlighted the need to focus on the strenghtening of long-term human rights reconstruction and providing assistance to the local human rights institutions. This includes

- the development of a programme of assistance for human rights reconstruction
- the launching of a human rights education and information campaign in order to making people aware of their rights and the new human rights mechanisms under the Peace Agreement
- support for independent media and local NGOs

Human rights conditionality
Many participants stressed the need for assistance in the field of economic and social reconstruction. In that context, participants sent a clear message to the parties and reaffirmed the close relationship between progress in the field of human rights and the readiness of the international community to support the economic and social reconstruction and rehabilitation. The human rights obligations of the parties include

- full implementation of Annex 6 of the Peace Agreement
- full cooperation with implementing agencies
- full cooperation with the Tribunal.

Addressing human rights violations of the past
Participants have stressed that justice and peace can only be achieved if human rights violations of the past are appropriately addressed and those who committed these crimes are brought to justice. They underlined the importance of the work of the ICTY. It was also stressed that we must not forget about the overall human rights situation and the unresolved human rights problems in the whole territory of the former Yugoslavia.

The need for information exchange and transparency
A recurrent theme in the discussions at the Round Table was the need for better information exchange and transparency. The broad composition of, as well as the documentation and introduction provided at, the Round Table made an important contribution towards creating more clarity and better understanding of the various mandates and activities undertaken in the field of human rights in Bosnia and Herzegovina. It provided the High Representative as well as the implementing agencies a useful opportunity to get interested states fully informed about their overall human rights structures and strategies but also to intensify their coordination.

The way forward
It is my hope that these two days were able to contribute to creating a new and broadened international network for human rights in Bosnia and Herzegovina, facilitating day to day work both at HQ and in the field. I believe, that our deliberations clarified a number of issues and brought us closer to a coherent and common approach in our work towards the full implementation of the human rights provisions of the Dayton Peace Agreement. I hope that everybody present here will go back to his or her area of action and contribute in the implementation of our recommendations and conclusions. I encourage you, this Round Table human rights community, to stay closely in touch in your further work; I pledge Austria's support to continue contributing to facilitate your important tasks.

International Round Table on Human Rights in Bosnia and Herzegovina

Vienna, March 4 and 5, 1996

Working Group I
Protecting Human Rights: Monitoring and Reporting

Conclusions and Recommendations

Working Group I was asked to address the many complicated issues that arise from the multiplicity of organisations involved in monitoring implementation of the human rights provisions of the Dayton Agreement, including monitoring structures, reporting standards and procedures, and coordinated responses to human rights violations. The Working Group focused on concrete ways to increase the efficacy of the human rights protection effort. Given that the Working Group was composed of more than seventy people representing international organizations, NGOs and interested governments, the task of making specific recommendations which reflected the variety of roles of the members of the group presented a considerable challenge. The following conclusions, however, reflect the fundamental points which emerged from Working Group I's discussion:

Coordination

A primary theme of the Working Group was the need for effective, active coordination of human rights monitoring and protection in Bosnia and Herzegovina. Given the multiplicity of organisations involved in the human rights field and their differing mandates, the paramount role of coordination was repeatedly emphasised. Recognising these facts, the Working Group concluded,

- Coordination of human rights monitoring and reporting efforts is essential and the involved organisations are committed to taking the concrete steps necessary to support coordination efforts.

The High Representative's decision to establish a Human Rights Coordination Centre (HRCC) in his office was strongly welcomed. The Working Group also discussed specific tasks which should be undertaken by the HRCC. Specifically, the Working Group suggested that the HRCC should:

- Act as an information clearinghouse, including both reporting on the substantive human rights situation and information concerning the activities of the organisations involved in the human rights field;

- Prepare regular, timely and public reports on developments in the human rights field, in addition to periodic assessments of compliance by the High Representative;

- Support within the Coordination Centre for national human rights institutions and NGOs; and

- Provide an overall assessment of human rights monitoring capacities and needs, if possible by the end of this month, so that strategies for addressing gaps and duplication can be implemented quickly.

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In order to assist the HRCC in accomplishing these tasks, it was also recommended that all organisations involved in human rights monitoring undertake to:

- Establish reporting systems which provide the HRCC with a comprehensive and timely picture of both the human rights information their monitors compile and the activities of ther organisations;

- Contribute resources, including staff as appropriate, to assist with coordination efforts;

- Respond to the extent possible within their mandates to address gaps in reporting or issues of particular concern identified by the HRCC; and

- Organisations with expertise in preparing computerized reporting systems should assist in preparing recommended forms and a database for use by the HRCC.

Monitoring human rights

In the field of monitoring, the Working Group made the following recommendations:

- Monitoring organisations should employ existing expertise while making every effort to adapt methods to the situation;

- Monitoring organisations and the HRCC should pay particular attention to trends in human rights violations as they develop, including a focus upon the relationship between abuses of political and civil rights and respect for economic, social and cultural rights;

- Objectives and purposes of monitoring should be clearly stated and monitoring activities should be specifically formulated to accomplish those goals. This step is especially important because monitoring must ultimately lead to redress of human rights violations in order for trust in legal systems to be restored;

- Monitoring and coordinating organisations should work closely with NGOs and indigenous human rights organisations in order to share both information and expertise;

- Monitoring organisations should strive for gender balance within their teams;

- Monitoring efforts may need security support from both military and police, although the parties are called upon to perform their primary responsibility under the peace agreement to provide access and freedom of movement; and

- The international community should ensure that mechanisms are in place to monitor and report on human rights abuses by monitoring organisations themselves.

Reporting on human rights

The Working Group made the following recommendations relating to human rights reporting:

- Human rights monitors should make use of standard formats so that a computerized database can be established within the HRCC;

- Human rights monitors should have extensive training in reporting standards and their implementation;

- Human rights information compiled by the HRCC should be made available to public reporting, in particular the Special Rapporteur and the Expert on Missing Persons; and

- While respecting requests for confidentiality, reports on specific human rights violations should be submitted to the Human Rights Commission (Ombudsperson or Chamber) or, as appropriate, the Commission on Refugees and Displaced People; in turn, those organisations should send reports of the actions they take on individual cases to the HRCC.

Training

The Working Group also found that:

- Training of human rights monitors is essential and training courses must be comprehensive. Failure to dedicate the time necessary to training will not only decrease the efficacy of monitoring efforts but could endanger lives;

- Initial training should occur as quickly as possible and should be folllowed by ongoing training throughout the monitoring mission;

- Terms of reference of monitoring organisations must be clearly stated in order to ensure effective training;

- Ideally, training should take place in the field to minimize time away from duties and should be as specific as possible to the particular context in which monitoring duties are being performed; and

- International organisations should work with NGOs and local human rights organisations in developing and implementing training programmes, including organisations focusing on vulnverable groups including refugees, women and children.

Responses to human rights violations

The Working Group made the following recommendations relating to responses to human rights violations:

- Monitoring organisations should keep the HRCC informed of their responses to human rights violations so that all organisations are informed and can work together to develop coherent, concerted responses to abuses;

- In responding to human rights abuses, monitoring organisations should where appropriate, involve the Human Rights Commission and the ICTY;

- Within the extent possible in accord with its mandate, IFOR should report on human rights violations which are seen by its personnel and should provide support and security for human rights monitoring; if necessary, requests for IFOR's logistical assistance may be coordinated through the HRCC;

- Responses to human rights violations should be multi-faceted, involving both appeals to local authorities and higher level authorities, as appropriate. Reports of serious violations of human rights should be brought to the attention of the parties and to the international community, including through relevant international organisations (OSCE, UN, Council of Europe) for action.

International Round Table on Human Rights in Bosnia and Herzegovina

Vienna, March 4 and 5, 1996

Working Group II
Human Rights Reconstruction

Conclusions and Recommendations

Recognizing the parties' commitment to respect the highest standards of human rights and cooperation with the War Crimes Tribunal;

Underscoring the need for concrete movement toward full compliance with all aspects of the Peace Agreement;

Acknowledging the importance of timely assistance by the international community to help the parties develop human rights institutions and programs;

Also acknowledging the joint appeal of the High Representative, OSCE and COE for funds to implement human rights and other provisions of the Peace Agreement;

Understanding the need for those institutions to operate in a manner consistent with the agreement of the parties to a single state consisting of two entities under a federal system of government;

Reiterating the relationship between the fulfillment by the parties of their commitments in the Peace Agreement, including the observance of the highest standards of human rights and cooperation with the War Crimes Tribunal, and the readiness of the international community to commit financial resources;

Reaffirming the willingness of IFOR to work to provide a secure environment for all human rights missions and tasks, within the limits of its primary responsibilities and available resources;

Stressing the necessity of timely and full deployment of the IPTF to monitor and train local police;

Noting the importance of non-governmental institutions, particularly indigenous groups, in the promotion of human rights and building of civil society;

Also noting the need to adopt a comprehensive regional approach to human rights;

Confirming the need for a strong international presence, as well as effective human rights institutions, throughout Bosnia and Herzegovina, including in the Republika Srpska; and

Reiterating the need for the parties to participate actively in creating a culture respectful of human rights in Bosnia and Herzegovina.

Working Group II agrees:

A. Regarding the need for sound economic assistance conditioned on compliance with the Dayton agreement,

(1) To emphasize the need for international economic assistance designed to rebuild vital social infrastructures and promote growth through a rapid transition to a market economy, all based on the principle of sustainable development;

(2) To strongly reaffirm the principle of conditioning international economic assistance to compliance with commitments made in the Peace Agreement, as agreed previously by the international community in London and Brussels;

(3) On the immediate need to underscore to international and sub-national authorities both the linkage between Dayton compliance and economic assistance, and the readiness of the international community to respond firmly;

(4) On the urgency of establishing through assistance programs conditions conducive to the voluntary return of refugees and displaced persons, which will facilitate their integration into local communities;

(5) Citing the importance of the parties' commitment to cooperate fully with the War Crimes Tribunal and its orders, that donors should deny economic assistance, for example, to jurisdictions whose authorities have the ability to turn over indicted war criminals but refuse to do so within a reasonable time period. This policy should also extend to the "Outer Wall" of sanctions -- access to international conferences and institutions, funds from and membership in international financial institutions, and agreement among the five successor states on the division of assets and liabilities;

(6) To urge donors to identify opportunities at the national and sub-national level where functional reconciliation can be encouraged and rewarded, including through local non-governmental organizations seeking to promote multi-cultural activities;

(7) That, in doing so, donors should focus aid, to the extent feasible, on localities that either (i) already show a receptivity to honoring commitments made in Dayton (e.g. demonstrated willingness to allow the voluntary return of refugees and displaced persons,) or (ii) on localities considered important to the success of the Peace Agreement, in the context of rational economic assistance planning;

(8) To undertake to develop proposals for such targeted assistance as soon as possible and reconvene shortly under the auspices of the High Representative to develop a coordinated donor approach; and

(9) To ask the High Representative to present at that time a report to potential donors identifying areas or projects to which conditionality should appropriately apply, as well as outlining the specific steps the parties must take to receive assistance and the conduct that would trigger reduction or termination of assistance.

B. With respect to funding for human rights institutions and programs,

(1) On the urgent need to develop a firm plan and timeline for financing institutions and programs necessary to protect human rights in Bosnia and Herzegovina, and in particular the Commission on Human Rights, other institutions created under the Peace Agreement and the

training program of the UNHCHR, as well as efforts to strengthen civil society and effectuate legal reform,

(2) That specific international commitments on human rights funding (and related funding, such as that concerning elections, refugees and displaced persons) should occur at, or at approximately the same time as, the upcoming donors' conference in Brussels;

(3) To urge the COE and OSCE, together with the parties and relevant institutions, to develop within the next month a more detailed assessment of the respective financial needs of the Commission on Human Rights, Constitutional Court, Commission on Refugees and Displaced Persons, and other relevant bodies;

(4) That the parties should also present funding assessments related to the judicial system at, or at approximately the same time as, the upcoming donors' conference in Brussels, with a view toward establishment of a voluntary Legal Reform Trust Fund for these programs; and

(5) That potential donors should analyze these budgets and work toward announcing pledges at the agreed upon forum.

C. Regarding assistance to the Commission on Human Rights,

(1) To express appreciation to the COE and OSCE for the significant progress achieved to date regarding the development of the Commission;

(2) To welcome the upcoming initiation on March 15, 1996 of the Human Rights Chamber and Office of the Ombudsman consistent with the time contemplated by the Dayton Agreement, and urge the prompt approval of rules and regulations for the Human Rights Commission;

(3) In connection with the request in B(3) above, to ask the COE and OSCE to work with the Commission on Human Rights to develop a detailed assessment of the latter's technical and material needs, including interpretation and translation services, secretariat, offices, accommodations, equipment, and seconded staff. This should include to the extent possible shared infrastructure and administrative support to minimize costs;

(4) On the importance of building an indigenous staff for the Commission on Human Rights and other local institutions of human rights and justice, as soon as feasible, in order to assure their successful long-term operation;

(5) On the desirability of the Ombudsman building confidence on human rights issues among local population groups, and assessing human rights conditions in remote or troubled areas through local meetings, as well as the need for international participation in providing a secure environment at, during and after the meetings;

(6) On the need for further explication of the relationships between international, Bosnia and Herzegovina, and entity institutions of human rights and justice, including the roles of the respective Ombudspersons; and

(7) On the importance of the Commission on Human Rights, as well as other institutions, in creating a culture of respect for human rights that will strengthen democracy and lead to free and fair elections.

D. Concerning other human rights-related assistance,

(1) Regarding institutions other than those created at Dayton, to ask the COE, in cooperation with the UN and others, to (i) assess the existence and adequacy of local human rights and legal institutions throughout Bosnia and Herzegovina, including applicable laws and procedures, (ii) issue concrete recommendations to strengthen these areas, and (iii) take all appropriate steps to constitute the Federation Human Rights Court and other newly created institutions in Bosnia and Herzegovina, the Federation, and Republika Srpska;

(2) Regarding legal reform, that priority should be given to (i) strengthening protections in the area of criminal law and against discrimination, and (ii) legal education and training for judges, political officials, and other relevant individuals;

(3) That programs to enhance civil society should be funded by the international community and developed through local and international non-governmental organizations; and

(4) On the necessity of a regional approach to law enforcement that addresses such issues as extradition, narcotics trafficking and inter-governmental coordination.

E. With respect human rights education, that:

(1) The international community should emphasize the promotion of human rights education, particularly through programs to bring all parties together around common issues (for instance, through workshops with parents of school-age children, teachers and religious leaders focused on practical issues);

(2) Programs to build inter-ethnic and inter-religious interaction should be developed through a Human Rights Education and Reconciliation Fund to support the work of local non-governmental organizations throughout the region, including Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia;

(3) Universities should be a locus of human rights education including through possible development of human rights centers at local universities within Bosnia and Herzegovina;

(4) Programs should be developed to apprise citizens of their rights and to train a cadre of educators in human rights issues;

(5) Non-governmental organizations and experts with regional knowledge should be involved in education programs; and

(6) Indigenous non-governmental organizations should receive training in legal issues, public relations and database development and other issues.

F. With respect to media freedoms and programming,

(1) That development of independent media programming is essential to promotion of (i) human rights, (ii) democracy through free and fair elections, (iii) the voluntary return of refugees and displaced persons and (iv) long-term peace and stability in Bosnia and Herzegovina, and that comprehensive media programming will require ongoing attention by the international community,

(2) That there should be repeal of laws and a cessation of practices restricting the operation of an independent media; and

(3) International support should be given to media programming that promotes reconciliation, human rights education and democratic freedoms.

INTERNATIONAL ROUND TABLE ON HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA VIENNA, 4 AND 5 MARCH 1996

List of Documents

I. Status Reports Provided by International Organizations

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UN Reconstruction and Development Support Unit, Vienna, „Activities in Bosnia"

The World Bank, „Priorities for Recovery and Growth"; „News Release No. 96/21/ECA: World Bank Approves First Emergency Project for Bosnia and Herzegovina"

2. Other Documents Provided by Participants

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International Centre for Migration Policy and Development, „The Involvement of ICMPD in Issues to the Implementation of the Dayton Agreement"

International Helsinki Federation for Human Rights, „Statement"; „Human Rights Monitoring Program for Bosnia and Herzegovina"

Ludwig-Boltzmann-Institute of Human Rights, „Proposals for Recommendation"; „Bosnia Projects"

Open Society Institute, „Forced Migration Projects"

United States Delegation, „The Relationship Among the Various National and Federation Institutions of Justice in Bosnia and Herzegovina - Non-paper"

Verona Forum, „Statements on Human Rights after Dayton"

World University Service - Austrian Committee, „Proposal for Establishment of Human Rights Documentation Centre at University of Sarajevo"

International Round Table on Human Rights in Bosnia and Herzegovina
Vienna, 4 and 5 March 1996
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